

REMARKS/ARGUMENTS

Claims 21 to 38 are pending in the application.

Claims 32 and 38 have been amended to correct obvious typographical errors.

Claims 21 to 25, 27 to 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,467,997 to Bashirzadeh ("the Bashirzadeh patent").

The Bashirzadeh patent is directed to a deck of informational playing cards. Each card has a front surface with a primary printed indicia of a unique member of a class of items and a plurality of statistical elements directly related to that one member. In any given deck of cards, all cards of the deck have members of a single class, and the member is unique for each card of the deck. The classes can be selected from a variety of categories, such as sports, military, and geography. Example classes for the sports category include soccer, football, baseball, and basketball.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 21. First, the Bashirzadeh patent does not disclose a competitive card game that simulates wrestling matches. Second, the Bashirzadeh patent does not disclose cards representing a specific wrestler, as in claim 21.

Third, the Bashirzadeh patent does not disclose or even suggest cards having a plurality of games thereon, let alone the step of selecting a statistical comparison game from a plurality of games on the card. Fourth, the Bashirzadeh patent does not

disclose or suggest that each card have a statistical comparison game and a wrestler's match game thereon, as in claim 21. The Bashirzadeh patent discloses cards having information thereon that is only used in one class or type of game, a statistical comparison game. In the Bashirzadeh patent, there is no disclosure of, or suggestion to modify to include, more than one game on each card, or a step of selecting one game from amongst a plurality of games on a card.

The Bashirzadeh patent fails to disclose or suggest a card having a plurality of games thereon, let alone a plurality of games that includes both a statistical comparison game and a wrestler's match game, as required by claim 21. Accordingly, Applicant respectfully submits that claim 21 patentably distinguishes over the prior art and, thus, is in a condition for allowance.

Applicant respectfully submits that claims 22 to 25, 27 and 38, which depend from claim 21 are patentably distinguishable over the prior art for at least the reasons discussed above with respect to claim 21. Thus, each of claims 22 to 25, 27 and 38 are also in a condition for allowance.

Claim 28 is directed to a method for playing a competitive card game simulating wrestling matches. The method comprises the steps of: (a) providing a stack of playing cards for each player playing the game, each card representing a specific wrestler and having a plurality of games thereon, wherein said card has indicia thereon representing a ranking of the wrestler; (b) selecting a ranking comparison game from said plurality of games on said card, the plurality of games comprising a ranking comparison game and a wrestler's match game; (c) selecting a card from the stack of each player; and (d) comparing the rankings of

the wrestlers on the selected cards to determine a winner of the card game.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 28. As discussed above with respect to claim 21, the Bashirzadeh patent does not disclose a competitive card game that simulates wrestling matches or cards representing a specific wrestler, as in claim 28. Further, the Bashirzadeh patent does not disclose a card having indicia thereon representing a ranking of the wrestler. Still further, as discussed above with respect to claim 21, the Bashirzadeh patent does not disclose or even suggest cards having a plurality of games thereon or the step of selecting a ranking comparison game from a plurality of games on the card, as in claim 28. Yet still further, the Bashirzadeh patent fails to disclose or suggest a card having a plurality of games thereon with the plurality of games including at least a ranking comparison game and a wrestler's match game, as required by claim 28. The Bashirzadeh patent discloses cards having information thereon that is only used in one game, a statistical comparison game. Accordingly, Applicant respectfully submits that claim 28 patentably distinguishes over the prior art and, thus, is in a condition for allowance.

Applicant respectfully submits that claims 29 and 31, which depend from claim 28, are patentably distinguishable over the prior art for at least the reasons discussed above with respect to claim 28. Thus, claims 29 and 31 are also in a condition for allowance.

Claims 26 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bashirzadeh patent.

Claim 26, which depends indirectly from claim 21, adds the features to the method of claim 21 that the choosing step includes having one of the players choose the category of the statistics to be compared. Also, during the comparing step, if the statistics in the chosen category on the selected cards are the same, then another player chooses another category of the statistics to be compared.

As discussed above with respect to claim 21, the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 21. Therefore, claim 26 would be patentably distinguishable for at least the reasons discussed above with respect to claim 21. Further, Applicant respectfully submits that the Bashirzadeh patent does not disclose or suggest that during a comparing step, if the statistics in the chosen category on the selected cards are the same, then another player chooses another category of the statistics to be compared. It would not have been obvious for one of ordinary skill in the art at the time the invention was made to modify the method of the Bashirzadeh patent to include a tie breaking step, let alone if the statistics in the chosen category on the selected cards are the same, having another player choosing another category of the statistics to be compared, as in claim 26.

In fact, not only is there no provision for a tie disclosed in the Bashirzadeh patent, but the Bashirzadeh patent teaches away from the possibility of ever having a tie that would need to be broken. Each set of statistics in the deck of cards in the Bashirzadeh patent has "only one prevailing statistical element for each set" (col. 2, lines 21 to 22 and col. 5, lines 7 to 8). Since there are no two cards in the method of the Bashirzadeh

patent where the statistics in the chosen category on the selected cards are the same, it would not be obvious to modify such a method to include a tie breaking method of having a player other than the player who chose the initial category for comparison choose another category of statistics to be compared, as in claim 26. Accordingly, Applicant respectfully submits that claim 26 is further patentably distinguishable over the prior art.

Claim 30, which depends from claim 28, adds the features to the method of claim 28 that the method further comprising a step wherein the players drop the selected cards so as to tumble end over end and land either face up or face down and the comparing step includes comparing the rankings of the wrestlers represented on any of the selected cards which are face up and the player with the card having the highest ranking wins the selected cards of the other players.

As discussed above, the Bashirzadeh patent fails to disclose or suggest each and every element of claim 28. Specifically, the Bashirzadeh patent fails to disclose or suggest a competitive card game that simulates wrestling matches, cards representing a specific wrestler, a card having indicia thereon representing a ranking of the wrestler, a card having a plurality of games thereon, the step of selecting a ranking comparison game from a plurality of games on the card, a card having a plurality of games thereon with the plurality of games including at least a ranking comparison game and a wrestler's match game, as in claim 28.

Further, Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest an additional step that the players drop the selected cards so as to tumble end over end and

land either face up or face down, as required by claim 30. Contrary to the assertion in the Action that there is no difference in the outcome of the game by the way the cards are presented, the method of claim 30 provides several potential outcomes that differ from that of the method disclosed in the Bashirzadeh patent. The method of the Bashirzadeh patent discloses a method of presentation, which involves the first player orienting a selected card so that only that player can see the front surface of the card and then reading aloud the selected statistical element from that card. This is followed by all other players of the game repeating this process such that each player of the game presents a statistical element for comparison. The method of claim 30 allows for one or more of the cards that are dropped to land face down. These cards are therefore not presented at all. The outcome of the method of the present invention would, therefore, be quite different from that of the Bashirzadeh patent.

Still further, the Bashirzadeh patent fails to disclose or suggest that the comparing step include comparing the rankings of the wrestlers represented on any of the selected cards, which are face up. The method of the Bashirzadeh patent provides for a card from each player being compared. The method of claim 30 allows for one or more of the cards that are dropped to not be compared at all. These cards that land face down automatically lose to cards that land face up without comparison. This adds a completely different dimension to the game play and to the result, as the card that lands face down may very well have a ranking of the wrestler represented thereon which otherwise would have prevailed over the cards that land face up. Nowhere in the Bashirzadeh patent is such a method as in claim 30 disclosed or suggested. Furthermore, there is no motivation for a person having ordinary skill in the art to modify the method of

presentation and comparison of the Bashirzadeh patent to achieve the card dropping and comparison of only those cards that land face up, as in claim 30. Accordingly, Applicant respectfully submits that claim 30 further patentably distinguishes over the prior art.

Claims 32 to 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bashirzadeh patent in view of U.S. Patent No. 5,662,332 to Garfield ("the Garfield patent").

The Garfield patent is directed to game components comprising (a) energy or mana cards and (b) command or spell cards. Players of the game determine prior to game play, an amount of life points that each player will possess. Energy cards are required to bring a command or spell card into play. Interplay of various energy and command cards can be used to reduce a player's life points to zero, thereby eliminating the player from the game.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest the method for playing a competitive card game set forth in claim 32. The Action states that the Bashirzadeh patent does not disclose or suggest a method of rating the amount of punishment inflicted on or by a player to another player. Applicant respectfully submits that the method of the Bashirzadeh patent does not disclose or suggest a playing card having indicia thereon, wherein the indicia has one or more wrestling moves of said specific wrestler represented thereon, a rating of punishment that said one or more wrestling moves can inflict on an opponent, or a rating of total amount of punishment that said specific wrestler represented thereon can sustain. As discussed above with respect to claim 21, the Bashirzadeh patent discloses cards that have only straight statistical comparison

elements thereon and not indicia such as that required by claim 32, such as one or more wrestling moves and a rating of punishment that the one or more wrestling moves can inflict on an opponent.

Further, the method of the Bashirzadeh patent does not disclose or suggest the sequential selection of a wrestling move to be performed from the card or the subtracting of the rating of punishment from the rating of total amount of punishment of the card of another player. Therefore, the Bashirzadeh patent fails to disclose or suggest each and every element of claim 32.

A prima facie case of obviousness requires (a) a suggestion or motivation for one of ordinary skill in the art to modify the reference or to combine reference teachings and (b) that the references when combined must teach or suggest all the claim limitations. Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine the teachings of the Garfield patent to overcome the deficiencies of the Bashirzadeh patent. The method of the Bashirzadeh patent involves a direct comparison of a statistical element on one card of a player with a statistical element on another card of a different player. Either the higher or lower value wins. There is no motivation in the Bashirzadeh patent to look elsewhere to modify this method to include cards having amounts of punishment that can be inflicted and that can be sustained by a wrestler indicated on a card, or to include a method of rating the amount of punishment inflicted on or by the wrestler represented thereon.

Moreover, one of ordinary skill in the art would not have looked to the Garfield patent in order to modify the Bashirzadeh patent to provide an energy decreasing means during play, as

stated by the Office Action. Nothing in the Bashirzadeh patent suggests such a motivation. Each statistical comparison in the Bashirzadeh patent yields a win for one of the players. There is no motivation to modify the Bashirzadeh patent with any method to decrease another players life points to a level below one, as the Office Action states is the goal of the game of the Garfield patent. Nor is there any motivation to modify the Bashirzadeh patent to allow for any utilization of energy, let alone the utilization of energy to allow a player to attack, defend, and modify the effects of other cards, as stated by the Office Action.

Even if one of ordinary skill in the art could be motivated to combine the Garfield patent with the Bashirzadeh patent, the combination thereof does not disclose or suggest each and every feature of claim 32. The Garfield patent, like the Bashirzadeh patent, does not disclose or suggest a playing card having thereon one or more wrestling moves represented thereon, a rating of punishment that the one or more wrestling moves can inflict on an opponent, and a rating of total amount of punishment that the specific wrestler represented thereon can sustain, as required by claim 32. Further, the Garfield patent, again like the Bashirzadeh patent, fails to disclose or suggest the step of sequentially selecting a wrestling move to be performed from the card of the player and subtracting the rating of punishment of the selected wrestling move from the rating of total amount of punishment of the card of another player, as required by claim 32.

The cards in the method of the Garfield patent are divided into two types of cards that can be used as part of a hand to commence gameplay. One type of card is an energy or mana card. The other type of card is a command or spell card. Each command

card indicates the level and type of energy required to effectuate a command associated therewith. The energy cards indicate the type and level of energy provided by the energy card. One or many of these energy cards may be used during play to effectuate another card, a command card. A single card of claim 32 has thereon all of the elements needed for a player to play the method of claim 32 with another player having a single card of claim 32. Each card according to claim 32 has thereon one or more wrestling moves of the specific wrestler represented thereon, a rating of punishment that the one or more wrestling moves can inflict on an opponent, and a rating of total amount of punishment that the specific wrestler represented thereon can sustain. Neither the Bashirzadeh patent nor the Garfield patent disclose or suggest one card having all of these three elements thereon. The energy card of the Garfield patent is simply used to bring the command cards into play.

Additionally, each player of the game of the Garfield patent is assigned a predetermined amount of life value. This value is not indicated on any card disclosed by the Garfield patent. Claim 32 requires a card having a rating of total amount of punishment that a specific wrestler represented thereon can sustain. This rating is fixed for each wrestler by the indication on the card. The Garfield patent does not disclose or suggest a card having such a rating thereon, let alone a single card that has both a rating of punishment that can be inflicted and a rating of punishment that can be sustained thereon, as in claim 32.

Further, the Garfield patent does not disclose or suggest sequentially selecting a wrestling move to be performed from the card of a player or subtracting the rating of punishment of the selected wrestling move from *the rating of total punishment of*

the **card** of another player, both as in claim 32. As discussed above, there is no card disclosed or suggested in the Garfield patent that has thereon a rating of total punishment. Further, in the method of the Garfield patent, more than one card is required by each player to conduct game play at any level (energy cards are required to bring into play command cards). Each player can use only one card in the method of claim 32, including the selecting of a wrestling move to be performed.

Still further, the method of the Garfield patent requires that when a card is used to attack, that card is subsequently discarded or placed in the "graveyard" upon being used or destroyed (see col. 12, lines 14 to 25 and col. 17, lines 46 to 50). Whereas, in the method of claim 32, the entire game is played with one card being used by each player. The same card is used for each subsequent sequential selection of a wrestling move. In this respect, the same card in the method of claim 32 is used differently for each attack as different wrestling moves may be selected. However, one card is used until one of the players depletes the total amount of punishment indicated on the card of the other player. In the method of the Garfield patent each card has only one function and multiple cards are required to ultimately diminish the life value of a player, not a single card. The method of the Garfield patent requires multiple mana cards, multiple command cards, and a separate variable determination of life points to be assigned to each player. It is impossible to play the method of the Garfield patent with only one card for each player, as is possible in the method of claim 32.

Accordingly, Applicant respectfully submits that claim 32 is patentably distinguishable over the cited references alone and in combination. Thus, claim 32 is in a condition for allowance.

Applicant respectfully submits that claims 33 to 37, which depend from claim 32, patentably distinguish over the cited references and their combination for at least the reasons discussed above with respect to claim 32. Thus, claims 33 to 37 are also in a condition for allowance.

Claim 38 depends from claim 21 and adds the feature that the indicia includes information selected from the group consisting of one or more wrestling moves of the specific wrestler represented thereon, a rating of punishment that the one or more wrestling moves can inflict on an opponent, a rating of total amount of punishment that the specific wrestler represented thereon can sustain, and any combinations thereof.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest the method of claim 38. As discussed above with respect to claim 21, the Bashirzadeh patent fails to disclose or suggest each and every element of claim 21. Further, the Bashirzadeh patent fails to disclose or suggest a card having thereon one or more wrestling moves of the specific wrestler represented thereon, a rating of punishment that the one or more wrestling moves can inflict on an opponent, or a rating of total amount of punishment that the specific wrestler represented thereon can sustain. The Bashirzadeh patent discloses cards having only statistical comparison elements thereon and fails to disclose or suggest indicia such as one or more wrestling moves and a rating of punishment that the one or more wrestling moves can inflict on an opponent, let alone a rating of total amount of punishment that a specific wrestler represented thereon can sustain. As stated in the Office Action the Bashirzadeh patent lacks such ratings.

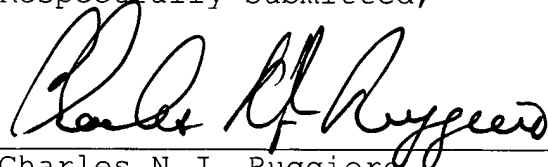
The Garfield patent fails to cure the deficiencies of the Bashirzadeh patent. Specifically, as discussed above with respect to claim 32, the Garfield patent fails to disclose or suggest a single card having thereon one or more wrestling moves and a rating of punishment that the one or more wrestling moves can inflict on an opponent, let alone a rating of total amount of punishment that a specific wrestler represented thereon can sustain.

Accordingly, Applicant respectfully submits that claim 38 is patentably distinguishable over the cited references alone and in combination. Thus, claim 38 is in a condition for allowance.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the cited prior art and the cited combinations of same. Accordingly, Applicant respectfully requests favorable consideration and the passage of all claims to allowance.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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